

**BEFORE THE  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**JOSEPH CORY HOLDINGS, LLC, DBA  
JOSEPH CORY COMPANIES AND  
CORY HOME DELIVERY,**

**Respondent.**

**Docket No. FMCSA-2009-0146<sup>1</sup>  
(Eastern Service Center)**

**ORDER TERMINATING PROCEEDING AND CLOSING DOCKET**

On March 3, 2009, the Connecticut Division Administrator, Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim (NOC) against Joseph Cory Holdings, LLC, dba Joseph Cory Companies and Cory Home Delivery (Respondent) proposing a total civil penalty of \$8,410. The NOC charged Respondent with one violation of 49 CFR 395.13(c)(1), requiring or permitting a driver declared out of service to operate a motor vehicle before prescribed off duty (or sleeper berth) time has been accumulated. Respondent denied the charge and requested administrative adjudication through submission of evidence without a hearing.

On May 18, 2009, the Field Administrator for the FMCSA's Eastern Service Center (Claimant) timely filed evidence and argument in support of the NOC. On July 2, 2009, Claimant served a Motion to Dismiss, to which he attached evidence that Respondent paid the proposed \$8,410 civil penalty in full on May 28, 2009. Claimant requested that this matter be dismissed and the docket closed. Respondent's payment of

---

<sup>1</sup> The prior case number was CT-2009-0054-US1266.

the civil penalty renders moot the issues in this proceeding. Accordingly, Claimant's Motion to Dismiss is granted.

THEREFORE, *It Is Hereby Ordered*, this proceeding is terminated and the docket is closed.



Rose A. McMurray

Assistant Administrator

Federal Motor Carrier Safety Administration

3-12-10  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 12 day of March, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Odeh Ahmed  
Joseph Cory Companies  
150 Meadowlands Pkwy, Floor 3  
Secaucus, NJ 07093

One Copy  
U.S. Mail

Anthony G. Lardieri, Esq.  
Trial Attorney  
Office of Chief Counsel (MC-CCE)  
Federal Motor Carrier Safety Administration  
802 Cromwell Park Drive, Suite N  
Glen Burnie, MD 21061

One Copy  
U.S. Mail

Loretta Bitner, Acting Field Administrator  
Federal Motor Carrier Safety Administration  
802 Cromwell Park Drive, Suite N  
Glen Burnie, MD 21061

One Copy  
U.S. Mail

Jeffrey Cimahosky  
Connecticut Division Administrator  
Federal Motor Carrier Safety Administration  
628-2 Hebron Avenue, Suite 302  
Glastonbury, CT 06033

One Copy  
U.S. Mail

Docket Operations  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Room W12-140  
Washington, DC 20590

Original  
Personal Delivery

  
\_\_\_\_\_